

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PETRO GOLF MANAGEMENT
COMPANY, LLC d/b/a THE GOLF CLUB
OF DALLAS,

Plaintiff,

V.

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,

Defendant.

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CIVIL ACTION NO. 3:16-cv-01551

DEFENDANT'S NOTICE OF REMOVAL

Defendant Travelers Property Casualty Company of America files this Notice of Removal under 28 U.S.C. § 1446(a) and states:

I. INTRODUCTION

1. Plaintiff is Petro Golf Management Company, LLC d/b/a The Golf Club of Dallas (“Plaintiff”). Defendant is Travelers Property Casualty Company of America (“Defendant”).

2. On March 21, 2016, Plaintiff filed suit against Defendant for damages in the 116th Judicial District Court for Dallas County, Texas – Cause Number DC-16-03398.

3. Defendant was served with Plaintiff's Original Petition and Request for Disclosure ("Petition") on May 10, 2016. Defendant thus files this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

4. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action was filed is located in this District.

II.
BASIS FOR REMOVAL

5. Removal is proper under 28 U.S.C. § 1332(a) if there is complete diversity between the parties and the amount in controversy exceeds \$75,000 (excluding interest, costs, and attorneys' fees). These two conditions are clearly satisfied in this matter.

A. Citizenship of the Parties

6. Plaintiff Petro Golf Management Company, LLC is a Texas limited liability company with its principal place of business in Texas. The citizenship of a limited liability company is determined by the citizenship of its members.¹ Here, the members/directors of Petro Golf Management Company, LLC are Phillip Bleakney, Ronny Glanton, and Perry Arthur – all of whom are residents/citizens of Texas. Plaintiff is thus a citizen of Texas for purposes of diversity jurisdiction.

7. Defendant Travelers Property Casualty Company of America is a Connecticut insurance company with its principal place of business in Connecticut. Defendant is a citizen of Connecticut for diversity jurisdiction purposes.

8. Because Plaintiff is as citizen of Texas for diversity jurisdiction purposes, and Defendant is a citizen of Connecticut for diversity jurisdiction purposes, there is complete diversity of citizenship between the parties for purposes of 28 U.S.C. § 1332(a).

B. Amount in Controversy

9. Defendant's burden to establish that the amount in controversy exceeds this Court's jurisdictional threshold is satisfied if it is facially apparent that Plaintiff's claims in this suit exceed \$75,000, exclusive of interest, costs, and attorneys' fees.²

¹ See *Harvey v. Grey Wolf Drilling, Co.*, 542 F.3d 1077, 1090 (5th Cir. 2008).

² *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

10. Here, Plaintiff's Petition states that Plaintiff seeks monetary relief exceeding \$1,000,000 in this action.³ It is thus facially apparent that Plaintiff's claims exceed this Court's jurisdictional threshold of \$75,000.

11. Because there is complete diversity between the parties and the amount in controversy exceeds \$75,000 (excluding interest, costs, and attorneys' fees), removal is proper under 28 U.S.C. § 1332(a).

III. **CONCLUSION**

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the clerk of the District Clerk of Dallas County, Texas promptly after the filing of this Notice.

13. As required by 28 U.S.C. § 1446(a) and Local Rule 81.1, a copy of each of the following are attached to (or filed with) this Notice:

- a. an index of all documents attached to (or filed with) this Notice that clearly identifies each such document and indicates the date the document was filed in state court;
- b. a copy of the docket sheet in the state court action;
- c. each document filed in the state court action (as separate attachments arranged in chronological order according to state court filing date); and
- d. a separately signed certificate of interested persons that complies with Local Rule 3.1(c).

14. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be

³ See Plaintiff's Petition at page at 1, 10.

given to all adverse parties promptly after the filing of this Notice.

15. For the foregoing reasons, Defendant hereby provides notice that this action is duly removed.

Respectfully submitted,

ZELLE LLP

By: /s/ James W. Holbrook, III

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that, on June 9, 2016, a true and correct copy of the foregoing was served on all counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE as follows:

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